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Austin, Texas
TEXAS.

BY
JAMES D. LYNCH,

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"Kemper County Vindicated," "The Bench and Bar of Mississippi."*

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'Tis not in mortals to command success, but
We'll do more, Sempronius, we'll deserve it.

—ADDISON'S CATO.

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JAMES E. SHEPARD.

This venerable lawyer and excellent gentleman was born in Matthews County, Virginia, on the 24th of April, 1817. His father Seth Shepard, a native of Connecticut, was of Scotch descent, and was an eminent physician. His early advantages were liberal, and he was educated at Miami University, at Oxford, Ohio. He began the study of law in 1836 with W. R. Beaty at Greenupsburg, Kentucky, where he was residing with an uncle, and was graduated from the law department of the Ohio University at Cincinnati. He was admitted to the bar at Flemingsburg, Kentucky, in the spring of 1838 and entered at once upon an encouraging practice. In November, 1846, he removed to Texas and located at Brenham, in Washington County, where he has since chiefly resided. He formed a copartnership at Brenham with his brother, C. B. Shepard, which continued many years, and until the latter retired from the practice. He then associated with him several young men, some of whom have attained distinction at the Texas bar.

He was a member of the Legislature of Texas in 1850, and served a subsequent term prior to the war. In 1861 he was a member of the convention which severed the relations of Texas with the Union, and, being an ardent Southerner in his views and sentiments, he promptly enlisted in the service of the Confederacy, and was made lieutenant-colonel of the Sixteenth Regiment of Texas infantry. While still at the head of his regiment he was elected in 1864, without his knowledge, judge of the Third Judicial District, and accepted that position.

He was a member of the reconstruction convention in 1866, and was during that year re-elected, without opposi-

tion, to the district bench, but was removed in 1867 by the military power as an impediment to reconstruction. He was then appointed dean of the law faculty of Baylor University and held that position for several years, and until the suspension of the law department of that institution, which was necessitated by the scanty attendance occasioned by the stringency of the times in financial matters.

In 1873 he removed to Austin and formed a copartnership in the practice of law with J. G. Searcy, which continued about five years, after which he returned to his old home at Brenham, where he is still residing and practicing his profession with a vigor and activity rarely found in one of his years. Judge Shepard is a man of great integrity, firmness and independence of character, and as a judge was able, upright and pure, readily comprehensive of every point upon which a proposition hinged, liberal in his interpretation of law for the advancement of justice, and watched the poise and inclinations of its scales with a conscientious eye.

He had in early life acquired a thorough knowledge of the rudiments and fundamental principles of law, and wove them into the elements of his own judgment and perception. As a lawyer he is full worthy of the distinction he has enjoyed and of the success with which his efforts have been crowned. His mind is active, vigorous and steady in its grasp of the substance of a proposition, and he never loses sight of the points upon which the merits of a question hinge.

Another source of his professional strength is his capacity for captivating the minds of the jury; his methodical arrangement of facts, his forcible illustrations, earnestness of manner, boldness of assault, and complacent, though scathing rejoinder and repartee gain for him both the attention and the favor of the jury. He knows how to avail himself of every consideration which tends to awaken the feelings of sympathy; not, however, by specious declamation or the cunning arts of suasion, but by an appeal to the nobler passions of men, their sense of justice, their sentiments of moral rectitude, and to the just and full

comprehension which he quickens in the minds of his hearers by his accurate and lucid interpretation and sound judgment. Ex-Governor Roberts lately told his law class in the University of Texas, that Judge Shepard was one of the few lawyers in the State whose statement of a case was an argument in itself, and it may be said of him that he is one of the few whose overflowing humor and overweening propensity for ludicrous anecdote and badinage never impair the most implicit faith in his sincerity, nor weaken the force of his most subtle and gravest arguments. It was not with him as Dr. Johnson said it was with Shakespeare, an irresistible fondness for a mere quibble which allured him from the dignity and profundity of his disquisitions, nor "the Cleopatra for which he lost the world and was content to lose it;" but it is the aroma which springs from the blossoms of his genius and the flowers of his philanthropy; and blending the force of his wit with the power of his wisdom he is at all times a formidable adversary. He is also one of the few lawyers who have maintained a high position at the bar and upon the bench with a divided allegiance to their profession. In addition to his successful practice he has been engaged in mill enterprises and irrigation schemes—rivals which the jealousy of law would not have tolerated in an ordinary mind.

Some of the most important cases argued by Judge Shepard, and which are illustrative of his professional qualities, are *Hall v. McCormick*, 7 Texas, 269, which involved the question of the necessity of presenting to an administrator the claim of a judgment which has lost its lien; and *Atkinson v. The State*, 20 Texas, 522, in which he discussed the nature and application of the ingredients which distinguish manslaughter from murder.

In private and social life Judge Shepard is noted for his kindness and congeniality. His manners are courteous and suave, and indicate a breast full of the noblest impulses. He was married in 1839 to Miss Martha J. Andrews, of Flemingsburg, Kentucky, a lady in whose heart every noble sentiment finds a reciprocity, and with whom he has enjoyed a long and felicitous union.